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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,833	01/25/2007	Franz Koch	27181-0063	6828
59582 7590 09/09/2008 DICKINSON WRIGHT PLLC 38525 WOODWARD AVENUE SUITE 2000 BLOOMFIELD HILLS, MI 48304-2970				
EXAMINER				
GIRARDI, VANESSA MARY				
ART UNIT		PAPER NUMBER		
2833				
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09/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,833

Applicant(s)

KOCH, FRANZ

Examiner

Vanessa Girardi

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on January 25, 2007 (Initial Application).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date February 1, 2007
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested:

MAGNETIC CONNECTION ARRANGEMENT COMPRISING A BATTERY AND ELECTRIC CABLE.

2. Applicant is reminded of the proper content of an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of *50 to 150 words*. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fritsch et al. (US 5,829,987) in view of Adshead et al. (US 4,676,562).

With respect to claims 1, 2 and 5-7; Fritsch et al. shows a contact arrangement having a connection terminal 2 for connecting an electrical line 9, the electrical line 9 having a connection piece 1 for connection to the connection terminal 2, the connection piece 1 or the connection terminal 2 has four magnets 5, 17 symmetrically arranged in a circle [FIGS. 3 & 4] around the respective contact piece 14, 18, in that the magnets 5, 17 of the connection terminal 2 or the connection piece 1 is associated with the magnets 5, 17 of the connection piece 1 or of the connection terminal 2, exerting a magnetic force such that it is possible for the connection terminal 2 to *attract or repel* the connection piece 1 [COLS. 1 & 2, LINES 52-68, 1-8].

Regarding the preamble including a battery, the recitation has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble. The connection piece and connection terminal are a self-contained description of an electrical connector not depending upon the battery for completeness. *Kropa v. Robie, 88 USPQ 978 (CCPA 1951).*

Fritsch et al. does not teach the specific type of magnet.

Adshead et al. shows an analogous connection piece/terminal teaching the benefit of using a permanent magnet and an electromagnet [COL. 1, LINES 49-55]; wherein the use of an electromagnet by virtue of it's construction requires a "core" around which a coil is wrapped.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the connection piece/terminal of Fritsch et al. by specifically using a permanent and electromagnet as taught by Adshead et al. [COL. 1, LINES 56-61] thereby producing a more reliable and robust connection.

With respect to claim 3; the Fritsch et al. connection piece/terminal, each of which house magnets, modified by Adshead et al. with respect to the particular types of magnets has been discussed above.

Adshead et al. further teaches the use of a permanent magnet in conjunction with an electromagnet [COL. 1, LINES 50-61].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the connection piece/terminal of Fritsch et al. by reinforcing the attachment strength of the permanent magnet with the use of an electromagnet as taught by Adshead et al.

With respect to claim 4 Fritsch et al. shows the connection piece **1** has an electrically conductive contact piece **14**, the connection terminal **2** has an electrically conductive contact piece **18**, and in the contact state [FIG. 3], the contact faces of the contact pieces **14**, **18** bear against one another and make electrically conductive contact with one another.

With respect to claims 8 and 9; Fritsch et al., as modified by Adshead et al. with particular types of magnets, has been discussed above.

Fritsch et al. shows the magnets **5** are set back from the contact face [FIG. 2] of the connection piece **1** via a spacer layer **6**; such that in the contact state [FIG. 3], only the contact pieces **14**, **18** of the connection piece **1** and of the connection terminal **2** come into contact with one another.

4. Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fritsch et al. (US 5,829,987) and Adshead et al. (US 4,676,562) as applied to claim 1 above, and further in view of Harbauer (US 4,318,065). Fritsch et al. as modified by Adshead et al. has been discussed above.

Neither Fritsch et al. nor Adshead et al. show or teach the manner in which the electromagnet coils are wired to one another.

Harbauer teaches a circuit arrangement in which electromagnets are wired in series [FIG. 1].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the Fritsch et al. magnetic contact arrangement such that the electromagnets are wired in series thereby producing an arrangement wherein contact between the connection piece and connection terminal can be selectively actuated as taught by Harbauer [ABSTRACT]; thereby providing means for safeguards within the circuit arrangement [COL. 3, LINES 1-10].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa Girardi: Telephone number (571) 272-5924.

Monday – Thursday 7 a.m. to 5:30 p.m. (EST)

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Renee S. Luebke can be reached on (571) 272-2009.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VG

Art Unit 2833
September 7, 2008

/renee s luebke/

Renee Luebke
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